

1 Deverie J. Christensen  
2 Nevada State Bar No. 6596  
3 Phillip C. Thompson  
4 Nevada State Bar No. 12114  
5 **JACKSON LEWIS P.C.**  
6 3800 Howard Hughes Pkwy, Suite 600  
7 Las Vegas, Nevada 89169  
8 Tel: (702) 921-2460  
9 Email: [christensend@jacksonlewis.com](mailto:christensend@jacksonlewis.com)  
10 Email: [phillip.thompson@jacksonlewis.com](mailto:phillip.thompson@jacksonlewis.com)  
11 *Attorneys for Defendant*  
12 *Bellagio, LLC*

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

1 JORGE ROSALES,  
2 Plaintiff,  
3 vs.  
4 BELLAGIO, LLC, a Nevada corporation;  
5 ROE Business Organizations I-X; and DOE  
6 INDIVIDUALS I-X, inclusive,  
7 Defendants.

8 Case No. 2:17-cv-03117-JCM-GWF

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**STIPULATION AND ORDER TO  
EXTEND DISPOSITIVE MOTION  
DEADLINE**  
**(SECOND REQUEST)**

Pursuant to LR 26-4, all parties hereby stipulate to extend the deadline to file dispositive motions by 30 days as set forth below.

This is the second request for an extension to the discovery plan and scheduling order in this matter. The parties' prior request sought additional time to conduct discovery which in turn has effected the deadline to file dispositive motions under FRCP 56. This extension does not seek additional time to conduct discovery, and is sought in good faith and not for purposes of delay. The request to extend the deadline to file dispositive motions is subject to the good cause standard as the request is made less 21 days prior to its expiration. LR 26-4. Good cause exists to extend the deadline, as transcripts of depositions required for the motion have not yet been finalized.

## REASONS FOR REQUESTING EXTENSION

2 The parties have not yet received all of the final deposition testimony transcripts necessary  
3 to prepare and respond to dispositive motions in this case. Specifically, the parties received Laura  
4 Moreno's deposition testimony on August 31, 2018, and do not yet have final transcripts for Jessica  
5 Harbaugh or Mahnaz Gholizadeh. Ms. Harbaugh's deposition was audio recorded by the court  
6 reporter, but due to a malfunction with the court reporter's equipment the deposition transcript for  
7 the testimony of Ms. Harbaugh, a key witness in this case, was not prepared and released until  
8 August 22, 2018. Ms. Harbaugh's transcript is more than 200 pages in length. She is currently  
9 reviewing the transcript for accuracy in order to provide a final version, but she works full time.  
10 The transcript for another witness, Mahnaz Gholizadeh, was not available until August 24, 2018.  
11 Like Ms. Harbaugh, Ms. Gholizadeh is reviewing her transcript, but she also works full time.

12 Defense counsel needs additional time to receive and review the transcripts, once final, in  
13 order to prepare its motion for summary judgment. Accordingly, the parties request a 30-day  
14 extension to the dispositive motion deadline.

**1. DISCOVERY COMPLETED TO DATE:**

**Plaintiff:**

17	Initial disclosures to Defendant	February 12, 2018
18	First supplemental disclosures to Defendant	February 27, 2018
19	First set of written discovery to Defendant	March 21, 2018
20	Responses to Defendant's written discovery	May 10, 2018
21	Second supplemental disclosures to Defendant	May 29, 2018
22	Deposition of Jessica Harbaugh	July 27, 2018
23	Third supplemental disclosures to Defendant	July 20, 2018
24	Deposition of Mahnaz Gholizadeh	July 31, 2018
25	Deposition of Laura Moreno	August 15, 2018
26	Fourth supplemental disclosures to Defendant	August 23, 2018

1 **Defendant:**

2 Initial disclosures to Plaintiff	February 8, 2018
3 First set of written discovery to Plaintiff	April 10, 2018
4 First supplemental disclosures to Plaintiff	April 23, 2018
5 Responses to Plaintiff's written discovery	April 23, 2018
6 Defendant's deposition of Plaintiff	June 20, 2018
7 Subpoenas to Plaintiff's medical providers	June 29, 2018
8 Deposition of Plaintiff	June 20, 2018
9 Third supplemental disclosures to Plaintiff	August 20, 2018
10 Fourth supplemental disclosures to Plaintiff	August 23, 2018

11 **2. DISCOVERY YET TO BE COMPLETED:**

12 None.

13 **3. PROPOSED REVISED DISCOVERY PLAN:**14 **A. Summary of Proposed Changes**

	Current Deadline	Revised Deadline
<b>Dispositive Motions</b>	<b>September 21, 2018</b>	<b>October 22, 2018</b>
<b>Pretrial Order</b>	<b>October 24, 2018</b>	<b>November 26, 2018</b>

19 **B. Dispositive Motions:** Dispositive motions may be filed no later than **October 22, 2018**, which is not later than thirty (30) days from the discovery cut-off date.

21 **C. Pretrial Order:** The pretrial order shall be filed by **November 23, 2018**, which is not later than thirty (30) days after the date set for filing dispositive motions. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the decision of the dispositive motions or until further order of the Court.

25 **D. Additional Extensions of the Discovery Plan and Scheduling Order:** The last day for the parties to file their Motion and/or Stipulation to Extend a deadline subject to this Stipulation and Order to Extend Discovery Deadlines and Scheduling Order shall be at least twenty-one (21) days before the expiration of the deadline, and comply fully with LR 26-4.

1           E. Any deadline not extended in accordance with the Stipulation and Order to Extend  
2 Discovery Deadlines and Scheduling Order set forth above shall remain controlled by the Stipulated  
3 Amended Discovery Plan and Scheduling Order (ECF No. 17) filed in this matter on July 3, 2018.

4           Dated this 31st day of August, 2018.

5 KEMP & KEMP

JACKSON LEWIS P.C.

6  
7 /s/ Victoria L. Neal  
James P. Kemp Bar, No. 6375  
8 Victoria L. Neal, Bar No 13382  
7435 W. Azure Dr., Ste. 110  
9 Las Vegas, Nevada 89130

/s/ Phillip C. Thompson  
Deverie J. Christensen, Bar No. 6596  
Phillip C. Thompson, Bar No. 12114  
3800 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169

10 *Attorneys for Plaintiff*  
*Jorge Rosales*

*Attorneys for Defendant*  
*Bellagio, LLC*

11  
12 **ORDER**

13           **IT IS SO ORDERED.**

14           Dated: September 14 2018.

15  
16   
HON. GEORGE W. FOLY JR.  
17           UNITED STATES MAGISTRATE JUDGE

18 4824-8452-1841, v. 1